

### REMARKS

Claims 1-11 are pending in the application. In the Final Office Action of February 19, 2004, the Examiner made the following disposition:

- A.) Rejected claims 1-6 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.*
- B.) Rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock* and further in view of *Kamauchi et al.*

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

- A.) Rejected claims 1-6 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.*

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1 has been amended to clarify that the first outer covering member and the second outer covering member are a single common piece of material, and to claim that the first outer covering member has a preformed recess accommodating the battery element.

Claim 1, as amended, claims a nonaqueous electrolyte battery comprising a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal. The laminated film has a first outer covering member and a second outer covering member, the first outer covering member and the second outer covering member being a single common piece of material. The first outer covering member has a preformed recess accommodating the battery element. The second outer covering member extends from one side of the first outer covering member and is adapted to fold onto the first outer covering member covering the battery element and the preformed recess. (*See*, Figures 1 and 2).

This is clearly unlike *Chaloner-Gill* in view of *Bullock et al.* To begin with, *Chaloner-Gill* fails to disclose Applicants' claimed first and second outer covering members made of a single piece of material. Referring to *Chaloner-Gill* Figures 3 and 4, *Chaloner-Gill* discloses two panels (two pieces of material) 30 and 31 that are adjacent each other and sealed together around the four sides of a battery element at a heat seal 34. (*see also*, *Chaloner-Gill* Figure 1). When the two panels 30 and 31 are heat sealed, their interior layers 36 and 38 seal together as shown in Figure 4. Thus, unlike Applicant's claim 1 that claims a single common piece of material folded over onto itself, *Chaloner-Gill* discloses two pieces of material that are heat sealed together around their perimeters.

Further, unlike Applicants' claim 1, *Chaloner-Gill* fails to disclose or suggest a first outer covering member having a preformed recess accommodating a battery element. Instead, *Chaloner-Gill* merely discloses two flat panels 30 and 31 that both flex around a battery element. This is shown, for example, in *Chaloner-Gill* Figures 3 and 4. Nowhere does *Chaloner-Gill* even suggest a preformed recess that accommodates a battery element.

*Chaloner-Gill* in view of *Bullock* also fails to disclose or suggest claim 1. Referring to *Bullock* Figure 2, *Bullock* discloses a bag 20 of gelled desiccant. The bag 20 is sealed at seals 26 at both ends. Thus, unlike Applicants' claim 1, *Bullock* fails to disclose or suggest a laminated film that has a first outer covering member and a second outer covering member. Further, *Bullock* fails to disclose or suggest a first outer covering member having a preformed recess accommodating a battery element. Further, *Bullock* fails to disclose or suggest a second outer covering member that extends from one side of the first outer covering member and is adapted to fold onto the first outer covering member covering the battery element and preformed recess. Instead, *Bullock* merely discloses a bag 20 that is sealed at both ends 26.

Therefore, *Chaloner-Gill* in view of *Bullock* fails to disclose or suggest claim 1.

Claims 2-6 and 11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock* and further in view of *Kamauchi et al.*

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1 is allowable over *Chaloner-Gill* in view of *Bullock et al.* as discussed above. *Kamauchi et al.* still fails to disclose or suggest Applicants' claimed laminated film having first and second outer covering members, and also fails to disclose or suggest a preformed recess accommodating a battery element. Therefore, *Chaloner-Gill* in view of *Bullock et al.* and further in view of *Kamauchi et al.* still fails to disclose or suggest claim 1.

Claims 7-10 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

### CONCLUSION

In view of the foregoing, it is submitted that claims 1-11 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 18, 2004.

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